

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, has tentatively rejected claims 1-11. Specifically, claims 1-11 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hsieh (US 6,969,361). Claims 1-4 and 8-11 also stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Chen (US 6,599,261). In response, Applicant has amended independent claim 1 (the only independent claim), and as amended claim 1 clearly defines over the cited art. Also, and further to the previous election, Applicant has canceled previously withdrawn claims 12-19, and Applicant has added new claims 20-27.

Claim 1 (as amended herein) recites:

1. A massage device, comprising:
a driving shaft;
a driving mechanism;
a pair of therapeutic elements, rotated by the driving shaft, driven by the driving mechanism, for supporting and massaging feet, **wherein each therapeutic element comprises a pressure board**; and
a bottom therapeutic member, disposed between the pair of therapeutic elements, supporting an instep of foot; **wherein the therapeutic elements are formed along the instep of a foot so that the pressure board covers the instep.**

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the feature emphasized above.

As emphasized above, claim 1 expressly recites a massage device having a pair of therapeutic elements, and a bottom therapeutic member. The therapeutic elements are rotated by the driving shaft and driven by the driving mechanism, and support and massage feet. Each therapeutic element comprises a pressure board. Further, the

bottom therapeutic member is disposed between the pair of therapeutic elements, supporting an instep of foot. The therapeutic elements are formed along the instep of a foot so that the pressure board covers the instep. Specifically, each therapeutic element comprises the pressure board that covers the instep. Thus, when the pressure boards approach, the foot arch is firmly pressed downward by the pressure boards (see page 11, lines 20-24 of the specification of this application). No such comparable features are disclosed or suggested in the cited art.

In this regard, Hsieh discloses a massage device including a driven shaft 13, power transmission means 10, oscillating boards 33/34, and wheel units 50. The oscillating boards 33/34 press the leg (see e.g., column 3, lines 50-54). That is, the oscillating boards 33/34 do not comprise or constitute the pressure board that covers the instep. More significantly, Hsieh does not teach that each therapeutic element comprises the pressure board that covers the instep. For at least this reason, independent claim 1 patently defines over the cited art. As Hsieh does not disclose all the limitations of claim 1, dependent claims 2-11 patently define over the cited art for at least the same reason.

Claims 1-4 and 8-11 also stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Chen (US 6,599,261). Applicant respectfully traverses the rejection for at least the reasons discussed below.

As noted above, claim 1 has been amended to recite:

1. A massage device, comprising:
a driving shaft;
a driving mechanism;

a pair of therapeutic elements, rotated by the driving shaft, driven by the driving mechanism, for supporting and massaging feet, ***wherein each therapeutic element comprises a pressure board***; and a bottom therapeutic member, disposed between the pair of therapeutic elements, supporting an instep of foot; ***wherein the therapeutic elements are formed along the instep of a foot so that the pressure board covers the instep.***

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the feature emphasized above.

In contrast to the emphasized features, Chen discloses a massage device comprising a transmission shaft 20, a drive motor 10, clamp boards 41/42, and a massaging wheel set 50. The clamp boards 41/42 rub the shanks of legs (column 2, lines 25-38). Significantly, the clamp boards 41/42 do not constitute the pressure board that covers the instep, as expressly recited in amended claim 1. Further, Chen does not teach that each therapeutic element comprises the pressure board that covers the instep. For at least this reason, claim 1 patently defines over the Chen reference. As Chen does not disclose all the limitations of claim 1, dependent claims 2-4 and 8-11 patently defines over the cited art for at least the same reason.

Newly added claims 20-27 depend from independent claim 1 and therefore patently define over the cited art for at least the same reasons as claim 1.

CONCLUSION

For at least the foregoing reasons, all claims are believed to be in condition for allowance.

No fee is believed to be due in connection with this amendment and response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted ,

By:



Daniel R. McClure, Reg. No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Parkway
Suite 1750
Atlanta, Georgia 30339-5948
(770) 933-9500